

Bul to. G-82-10-31.

GENERAL ORDINANCE NO.

Be Withman

AN ORDINANCE amending Article VI, Junk and Secondhand Dealers, of the Municipal Code of the City of Fort Wayne, Indiana, of 1946

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

DIVISION 1 - DEFINITIONS

SECTION 7-68. Definitions. For the purposes of this Chapter, the following definitions and terms shall apply:

- a. Dealer - Person or firm engaged in the commercial sale for purchase, receipt, or taking of secondhand jewelry and precious metals, or secondhand materials and articles.
- b. Jewelry - A valuable ornament, often set with gems or a precious stone.
- c. Precious Metals - All articles, goods or merchandise containing predominately gold, silver or brass.
- d. Secondhand - Ownership, custody or control previously held by one other than a dealer, person or firm required to be licensed, or used or worn previously by another. Secondhand materials and articles as used in this ordinance mean those items still possessing utility in this present state for the general purposes for which they were originally intended.
- e. Antiques - Those items exhibiting the style or fashion of former times or having the appearance of age which includes but is not limited to a work of art, piece of furniture or decorative object made at a much earlier period than the present. Those items commonly and generally accepted by people of reasonable discrimination and not necessarily the restrictive meaning attached by connoisseurs exercising critical judgment nor limited to those items which might be found in museums.
- f. Scrap - Secondhand materials, articles, old metals, rags or waste paper which possess usefulness only through conversion or reduction into components.
- g. Purchases Exempted - All purchases, taking or receiving of secondhand precious metals, and jewelry, or secondhand materials and articles from estate sales, auctions or transactions involving dealer to dealer.
- h. Dealers and/or Items Exempted - This ordinance shall not apply to any dealer in motor vehicles, dealers in scrap, nor to any dealer in antique household furniture, art works, fabric, china or glassware nor to any dealer who takes in on trade any secondhand jewelry and precious metals or secondhand materials and articles for new merchandise, materials or articles.

DIVISION 2 - REPORTS AND PURCHASES

SECTION 7-69. Reports. Every person conducting, maintaining, or engaging in the business where secondhand precious metals, and jewelry, or secondhand materials and/or articles are bought and sold shall prepare or assist in the preparation of forms provided by the Fort Wayne Police Department which shall be legibly written in ink at the time of purchase, taking or receiving of secondhand precious metals and jewelry, or secondhand materials or articles, and which shall contain the following information for use only by the Fort Wayne Police Department: an accurate account and description in the English language of the goods or articles received or taken, the date of purchasing, taking or receiving them, the name and residence of the person selling the goods or articles, the telephone number of such person, driver's license number, if any, and the name of the buyer. The buyer shall not be responsible for the accuracy or credibility of the information submitted by seller.

SECTION 7-70. Daily Reports to Chief of Police Required. Every person licensed by this Chapter shall make such report available for retrieval by an agent from the Chief of Police of the City for delivery to the office of the Chief of Police of the City or his designate of the original of such report every day before noon for secondhand jewelry and precious metals or secondhand materials or articles received the preceding day. A copy shall be made only on blanks furnished by the Police Department of the City.

SECTION 7-71. Buying Secondhand Jewelry and Precious Metals or Secondhand Materials and Articles from Minors. It shall be unlawful for any person or firm licensed under this Ordinance knowingly to take, purchase or receive such items from any person who is under the age of eighteen (18) years, unless the parent or guardian of such person shall be present and authorized the minor to sell and deliver such goods, articles or things to such person or firm.

SECTION 7-72. Such Articles to be Kept for Sale. All secondhand jewelry and precious metals or secondhand materials and articles purchased or received by any person licensed under this ordinance shall be retained at the licensed store or shop or any place where such merchandise is bought and sold by the proprietor, manager or employee for a period of not less than 24 hours before disposing of such goods or articles.

SECTION 7-73. Confiscation of Such Articles Purchased. The person or firm licensed under this ordinance shall be authorized to keep any such articles or goods or things covered by this Ordinance, if any other person claims ownership in the articles, goods or things so purchased by the person, persons, or licensed firm, until such time as a Court of competent jurisdiction determines ownership of such secondhand jewelry and precious metals or secondhand materials and articles.

SECTION 7-74. List of Stolen Jewelry and Precious Metals or Secondhand Materials and Articles Furnished to Licensees. The Chief of Police of the City or his designate shall furnish or deliver to all persons or firms licensed under this Ordinance a complete and as detailed a

complete and as detailed a list as possible of all jewelry and precious metals, secondhand materials and articles, where and when applicable, reported stolen to such police force at least two times per week, if necessary, to assist the licensees in their reporting requirements under this Ordinance.

DIVISION 3 - LICENSES

SECTION 7-75. Required. It shall be unlawful for any person to conduct, maintain or engage in the business of purchase of secondhand jewelry and precious metals, or secondhand materials and articles, where such merchandise is bought and sold in the City, unless such persons shall have first applied for a license from the City Controller and procured a license therefore, as hereinafter prescribed in this Article.

SECTION 7-76. Application. Every person desiring to conduct, maintain or engage in the business of purchase of secondhand jewelry and precious metals, or secondhand materials and articles, where such merchandise is bought and sold shall make application in writing to the City Controller for a license to do so, specifying the street and house number of the building in which such person intends to carry on such business.

SECTION 7-77. Issuance of License. After such application has been submitted to the City Controller, the City Controller shall issue to such person the license applied for. A License shall bear the date of the first month and year in which the license shall be issued and such license shall be reissued annually on the month and year thereafter upon proper application.

SECTION 7-78. License for Principal Establishment; Change of Location. Only one license shall be required in order for the conduct, maintenance or engagement in the business of keeping or operating more than one secondhand store or shop or any other place where secondhand jewelry and precious metals, or secondhand materials and articles are bought and sold. Also, such person or firm may remove from the principal place of business to another in the City by giving an immediate written notice to the City Controller specifying the street and house number of the building to which the principal place of operation of removal is made.

DIVISION 4 - AMENDMENTS

SECTION 7-79. Amendments. Prior to amending or modifying any of the provisions herein, the City Controller shall notify all licensees of record and all parties so affected by this ordinance in writing of the specific contents or language of such amendment or modification at least thirty (30) days prior thereto.

This Ordinance shall be in full force and effect from and after its passage, approved by the Mayor and legal findings published thereof
Approved as to Form and Legality:
James H. Logan

Mark E. McQuinn
Council Member

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time
by title and referred to the Committee _____ (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____.M.,E.S.T.

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by _____,
seconded by _____, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	_____	_____	_____	_____
<u>SCRUGGS</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____.

ATTEST:

(SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____, at the hour of
_____ o'clock _____.M.,E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____.M.,E.S.T.

WIN MOSES, JR. - MAYOR

BILL NO. G-82-10-31

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN
ORDINANCE amending Article VI, Junk and Secondhand Dealers, of the
Municipal Code of the City of Fort Wayne, Indiana, of 1946

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG, LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Withdrawn PASS.

MARK E. GIAQUINTA, CHAIRMAN

JAMES S. STIER, VICE CHAIRMAN

JANET G. BRADBURY

SAMUEL J. TALARICO

DONALD J. SCHMIDT

11-22-83

Sandra E. Kennedy